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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/588,276	06/06/2000	Charles Benjamin Dieterich	SAR 13423	8138

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EXAMINER

TRAN, TRANG U

ART UNIT PAPER NUMBER

2614

DATE MAILED: 12/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/588,276

Applicant(s)

DIETERICH, CHARLES BENJAM

Examiner

Trang U. Tran

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Isnardi et al (US Patent No. 6,400,400 B1).

In consider claim 1, Isnardi et al discloses all the claimed subject matter, note 1) the claimed applying a test bitstream to the decoder to decode the test bitstream, wherein the test bitstream includes at least one picture representing at least in part a reference image portion, wherein the at least one picture includes a region that is a direct-coded representation of the reference image portion and a region that is an indirect-coded representation of the reference image portion, whereby the decoder produces at least one picture including a decoded direct-coded region representation of the reference image portion and a decoded indirect-coded region representation of the

reference image portion is met by the test bitstream generator 110, the video decoder under test 120 and the reference video decoder 130 (Figs. 1 and 3, col. 2, line 54 to col. 4, line 13 and col. 5, lines 43-65), and 2) the claimed comparing the decoded direct-coded and decoded indirect-coded regions representative of the reference image portion is met by the video output analyzer 140 which is compare, analyze two outputs from the video decoder under test 120 and the reference video decoder 130 (Fig. 2, col. 4, line 14 to col. 5, line 42).

In consider claim 2, the claimed wherein the direct-coded representation is intra-coded, representation, and wherein the indirect coded representation is one of predictively coded and bidirectionally-coded is met by Fig. 3, col. 5, line 43 to col. 7, line 54.

In consider claim 3, the claimed wherein the test bitstream is one of an MPEG bitstream and an MPEG-like bitstream is met by the test bitstream generator 110 (Fig. 1, col. 4, lines 28-56).

In consider claim 4, the claimed wherein the reference image portion includes at least one indicia, at least a portion of the indicia being in the region that is a direct-coded representation of the reference image portion and at least a portion of the indicia being in the region that is an indirect-coded representation of the reference image portion, and wherein said comparing includes comparing the respective portions of the indicia in the decoded direct-coded and decoded indirect-coded region is met by Fig. 3, col. 5, lines 43-65.

In consider claim 5, the claimed wherein said the test bitstream includes at least one additional picture of a sequence of picture that is a direct-coded representation of the reference image portion and that follows the at least one picture that includes direct coded and indirect coded representations of the reference image portion is met by Fig. 3 illustrates a test frame 300 having at least one intra coded area 310 and an actual test data area 320 (multiple intra coded areas can be applied, e.g., a second intra coded can be applied below the actual data area) (col. 5, lines 43-65).

In consider claim 6, the claimed further comprising repeatedly inserting the additional picture into the sequence of pictures at one of regular and irregular intervals is met by the test bitstream generator 110 (Fig. 1, col. 4, lines 28-56).

Claims 7-12 are rejected for the same reason as discussed in claims 1-6, respectively.

Claims 13-15 are rejected for the same reason as discussed in claims 1-3, respectively.

Claim 16 is rejected for the same reason as discussed in claim 1.

Claims 17-19 are rejected for the same reason as discussed in claims 4-6, respectively.

Claims 20-25 are rejected for the same reason as discussed in claims 1-6, respectively.

Claim 26 is rejected for the same reason as discussed in claim 1.

Claim 27 is rejected for the same reason as discussed in claim 2.

Claim 28 is rejected for the same reason as discussed in claim 2.

Claim 29 is rejected for the same reason as discussed in claim 3.

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Watkins (US Patent No. 6,337,710 B1) discloses graphical video editing system for regeneration of bitstreams.

Hu (US Patent No. 6,483,538 B2) discloses high precision sub-pixel spatial alignment of digital images.

Devlin et al (US Patent No. 6,421,749 B1) disclose playback and monitoring of compressed bitstreams.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Trang U. Tran** whose telephone number is **(703) 305-0090**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W. Miller**, can be reached at **(703) 305-4795**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

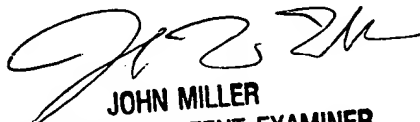
**(703) 872-9314 (for Technology Center 2600 only)**

Art Unit: 2614

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

TT TT  
November 29, 2002

  
JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600